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UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

In re DOUGLAS TUCKER & HOLLY HOLMES Debtors.	Case No. 10-21950-MM13 Chapter 13 DEBTORS' RESPONSE TO DECLARATION OF SYLVIA L. SHAUGHNESSY (LBR 3015-6) Hearing Date: 5/17/2011 Hearing Time: 10:00 AM Department: One

TO INTERNAL REVENUE SERVICE ("IRS"):

In response to the Declaration of Sylvia Shaughnessy (LBR 3015-6) of The IRS supporting The Objection to Confirmation of Chapter 13 Plan filed by the IRS on January 24th, 2011 under Document Number 16, Debtors respond as follows:

1. Debtors' 2010 IRS 1040 was E-Filed and accepted by the IRS on April 6th, 2011 (EXHIBIT A).

2. Debtors' owe $9,905.00 to IRS for 2010 Federal Taxes, Line 76 of the Debtors' 2010 IRS 1040 (EXHIBIT B).

3. Debtors have paid the IRS $4,000.00 since filing bankruptcy on December 15th, 2010 for 2011 Estimated Self-Employment Taxes (EXHIBIT C).

4. The IRS filed Proof of Claim Number One on December 22nd, 2010 with a Priority Amount of $19,703.56.

5. $19,703.56 claim plus $9,905.00 for 2010 is $29,608.56 total Priority Taxes owed to IRS.

6. IRS Priority Taxes were listed on Debtors' Schedule E at $31,326.08 which included 2010 IRS Estimated Self-Employment Taxes (SCHEDULE E).

7. All of Debtors' IRS Taxes owed at this time are scheduled to be paid in Debtors' Modified Chapter 13 Plan filed May 6th, 2011. (MODIFIED CHAPTER 13 PLAN).

8. There is more than enough money in Debtors's Budget and Modified Chapter 13 Plan to pay the IRS everything that is owed.

Respectfully Submitted,

DATED: 5/16/11

/s/ Douglas Tucker
Debtor

/s/ Holly Holmes
Co-Debtor

Exhibit A

05/13/2011	2010 e-file Activity Report	Page 1
05:43 PM	Law Offices Of John V. Scannell APC	

```
Client TUCKER   - Douglas Tucker and Holly Holme     SSN: [redacted]-5933
DCN: 00-333213-26086-1
DCN (Ext.): 00-333213-26130-1
Federal:              Balance Due.........$9905
California:           Balance Due.........$368
Federal    (Ext.):    Balance Due.........$9702
```

Activity

US - ACCEPTED 04/06 (Current Status)

Previous Activity
- 04/06 Sent to the IRS
- 04/06 Received at Lacerte
- 04/06 Sent to Lacerte
- 04/06 Ready To Send
- 04/06 Passed Validation

CA - ACCEPTED 04/06 (Current Status)

Previous Activity
- 04/06 Sent to California
- 04/06 Received at Lacerte
- 04/06 Sent to Lacerte
- 04/06 Ready To Send
- 04/06 Passed Validation

Extension

US - ACCEPTED 04/04 (Current Status)

Previous Activity
- 04/03 Sent to the IRS
- 04/03 Received at Lacerte
- 04/03 Sent to Lacerte
- 04/03 Ready To Send
- 04/03 Passed Validation

Exhibit B

Form **1040** Department of the Treasury — Internal Revenue Service
U.S. Individual Income Tax Return 2010
(99) IRS Use Only — Do not write or staple in this space.

For the year Jan 1 - Dec 31, 2010, or other tax year beginning , 2010, ending , 20 OMB No. 1545-0074

Name, Address, and SSN

See separate instructions.

Your first name MI Last name: Douglas Tucker	Your social security number: [redacted]-5933
If a joint return, spouse's first name MI Last name: Holly Holmes	Spouse's social security number: [redacted]-9180
Home address (number and street). If you have a P.O. box, see instructions. Apartment no.: 402 W San Marcos Blvd #104	▲ Make sure the SSN(s) above and on line 6c are correct.
City, town or post office. If you have a foreign address, see instructions. State ZIP code: San Marcos, CA 92069	Checking a box below will not change your tax or refund.

Presidential Election Campaign ▶ Check here if you, or your spouse if filing jointly, want $3 to go to this fund? ▶ ☐ You ☐ Spouse

Filing Status

Check only one box.

1 ☐ Single
2 [X] Married filing jointly (even if only one had income)
3 ☐ Married filing separately. Enter spouse's SSN above & full name here. ▶
4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here ▶
5 ☐ Qualifying widow(er) with dependent child

Exemptions

6a [X] **Yourself.** If someone can claim you as a dependent, **do not** check box 6a — Boxes checked on 6a and 6b: 2
b [X] **Spouse**

c **Dependents:**

(1) First name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if child under age 17 qualifying for child tax cr (see instrs)
			☐
			☐
			☐
			☐

No. of children on 6c who: ● lived with you ______
● did not live with you due to divorce or separation (see instrs) ______
Dependents on 6c not entered above ______

If more than four dependents, see instructions and check here ▶ ☐

d Total number of exemptions claimed — Add numbers on lines above ▶ 2

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

Rollover

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	
8a	**Taxable** interest. Attach Schedule B if required	8a	18.
b	**Tax-exempt** interest. **Do not** include on line 8a — 8b		
9a	Ordinary dividends. Attach Schedule B if required	9a	
b	Qualified dividends — 9b		
10	Taxable refunds, credits, or offsets of state and local income taxes	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	57,179.
13	Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here ▶ ☐	13	
14	Other gains or (losses). Attach Form 4797	14	
15a	IRA distributions — 15a; b Taxable amount	15b	
16a	Pensions and annuities — 16a 11,931.; b Taxable amount	16b	0.
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation	19	
20a	Social security benefits — 20a; b Taxable amount	20b	
21	Other income	21	
22	Combine the amounts in the far right column for lines 7 through 21. This is your **total income** ▶	22	57,197.

Adjusted Gross Income

23	Educator expenses	23	
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24	
25	Health savings account deduction. Attach Form 8889	25	
26	Moving expenses. Attach Form 3903	26	
27	One-half of self-employment tax. Attach Schedule SE	27	3,857.
28	Self-employed SEP, SIMPLE, and qualified plans	28	
29	Self-employed health insurance deduction	29	2,585.
30	Penalty on early withdrawal of savings	30	
31a	Alimony paid b Recipient's SSN ▶	31a	
32	IRA deduction	32	
33	Student loan interest deduction	33	253.
34	Tuition and fees. Attach Form 8917	34	
35	Domestic production activities deduction. Attach Form 8903	35	
36	Add lines 23 - 31a and 32 - 35	36	6,695.
37	Subtract line 36 from line 22. This is your **adjusted gross income** ▶	37	50,502.

Form **1040** (2010) Douglas Tucker and Holly Holmes 552-63-5933 Page **2**

Tax and Credits	38 Amount from line 37 (adjusted gross income)	38	50,502.
	39a Check if: ☐ **You** were born before January 2, 1946, ☐ Blind. ☐ **Spouse** was born before January 2, 1946, ☐ Blind. **Total boxes checked** ► 39a ☐		
	b If your spouse itemizes on a separate return, or you were a dual-status alien, check here ► 39b ☐		
	40 Itemized deductions (from Schedule A) or your standard deduction (see instructions)	40	19,035.
	41 Subtract line 40 from line 38	41	31,467.
	42 **Exemptions.** Multiply $3,650 by the number on line 6d	42	7,300.
	43 **Taxable income.** Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	24,167.
	44 **Tax** (see instrs). Check if any tax is from: a ☐ Form(s) 8814 b ☐ Form 4972	44	2,789.
	45 **Alternative minimum tax** (see instructions). Attach Form 6251	45	0.
	46 Add lines 44 and 45 ►	46	2,789.
	47 Foreign tax credit. Attach Form 1116 if required — 47		
	48 Credit for child and dependent care expenses. Attach Form 2441 — 48		
	49 Education credits from Form 8863, line 23 — 49		
	50 Retirement savings contributions credit. Attach Form 8880 — 50		
	51 Child tax credit (see instructions) — 51		
	52 Residential energy credits. Attach Form 5695 — 52		
	53 Other crs from Form: a ☐ 3800 b ☐ 8801 c ☐ — 53		
	54 Add lines 47 through 53. These are your **total credits**	54	
	55 Subtract line 54 from line 46. If line 54 is more than line 46, enter -0- ►	55	2,789.
Other Taxes	56 Self-employment tax. Attach Schedule SE	56	7,713.
	57 Unreported social security and Medicare tax from Form: a ☐ 4137 b ☐ 8919	57	
	58 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	58	
	59a ☐ Form(s) W-2, box 9 b ☐ Schedule H c ☐ Form 5405, line 16	59	
	60 Add lines 55-59. This is your **total tax** ►	60	10,502.
Payments	61 Federal income tax withheld from Forms W-2 and 1099 — 61		
	62 2010 estimated tax payments and amount applied from 2009 return — 62		
If you have a qualifying child, attach Schedule EIC.	63 Making work pay credit. Attach Schedule M — 63 — 800.		
	64a **Earned income credit (EIC)** — 64a		
	b Nontaxable combat pay election ► 64b		
	65 Additional child tax credit. Attach Form 8812 — 65		
	66 American opportunity credit from Form 8863, line 14 — 66		
	67 First-time homebuyer credit from Form 5405, line 10 — 67		
	68 Amount paid with request for extension to file — 68		
	69 Excess social security and tier 1 RRTA tax withheld — 69		
	70 Credit for federal tax on fuels. Attach Form 4136 — 70		
	71 Credits from Form: a ☐ 2439 b ☐ 8839 c ☐ 8801 d ☐ 8885 — 71		
	72 Add lns 61-63, 64a, & 65-71. These are your **total pmts** ►	72	800.
Refund	73 If line 72 is more than line 60, subtract line 60 from line 72. This is the amount you **overpaid**	73	
	74a Amount of line 73 you want **refunded to you.** If Form 8888 is attached, check here ► ☐	74a	
Direct deposit? See instructions.	► b Routing number ► c Type: ☐ Checking ☐ Savings		
	► d Account number		
	75 Amount of line 73 you want **applied to your 2011 estimated tax** ► 75		
Amount You Owe	76 **Amount you owe.** Subtract line 72 from line 60. For details on how to pay see instructions ►	76	9,905.
	77 Estimated tax penalty (see instructions) — 77 — 203.		

Third Party Designee — Do you want to allow another person to discuss this return with the IRS (see instructions)? ☒ **Yes.** Complete below. ☐ **No**

Designee's name ► Linda Catalina, CPA Phone no. ► 858-484-6997 Personal identification number (PIN) ► 65444

Sign Here — Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See instructions. Keep a copy for your records.

Your signature	Date	Your occupation	Daytime phone number
		Network Engineer	
Spouse's signature. If a joint return, **both** must sign.	Date	Spouse's occupation	
		Consultant	

Paid Preparer's Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
Linda Catalina, CPA	Linda Catalina, CPA			P00202266

Firm's name ► Law Offices Of John V. Scannell APC

Firm's address ► 8880 Rio San Diego Drive, Suite 800 San Diego, CA 92108

Firm's EIN ► 20-0633200

Phone no. 858.484.6997

Form **1040** (2010)

Exhibit C

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Account # : [redacted]7254 **Date Processed:** 05/12/11 **Check # :** 6507 **Amount:** $1,000.00

DOUGLAS TUCKER
402 W SAN MARCOS BLVD. UNIT 104
SAN MARCOS, CA 92069

90-3582/1222 6507

DATE 5-3-11

PAY TO THE ORDER OF IRS UNITED STATES TREASURY $ 1000 —

One thousand & 00/100 DOLLARS

usbank. All of us serving you™

MEMO 552-63-5933 2011

1222358 21 [redacted] 254 6507 0000100000

[redacted] 5933
TUCK [redacted]
[redacted] 111

ENDORSE HERE

"For Deposit Only Bank of America Credit to the US Treasury 375215594 >1-1-1310346<"

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

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usbank

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Account # : [redacted]7254 **Date Processed:** 04/05/11 **Check # :** 6505 **Amount:** $1,000.00

DOUGLAS TUCKER
402 W SAN MARCOS BLVD. UNIT 104
SAN MARCOS, CA 92069

90-3582/1222

6505

DATE 3-25-11

PAY TO THE ORDER OF I.R.S. UNITED STATES TREASURY $ 1000

One thousand & 00/100 DOLLARS

usbank. All of us serving you

MEMO Mar 2011 Estimated

⑆122235821⑆ [redacted]7254⑈6505 ⑈0000100000⑈

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891000022 04052011 5496
S/T 294 ... PKT 1
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* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

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Account # : [redacted]7254 **Date Processed:** 03/08/11 **Check # :** 6503 **Amount:** $1,000.00

DOUGLAS TUCKER
402 W SAN MARCOS BLVD. UNIT 104
SAN MARCOS, CA 92069

90-3582/1222

6503

DATE 2-28-11

PAY TO THE ORDER OF IRS - UNITED STATES TREASURY $ 1000

One thousand & 00/100 DOLLARS

usbank. All of us serving you

MEMO 2011 Estimated Jan 11

⑆122235821⑆ [redacted]7254⑈6503 ⑈0000100000⑈

[redacted]35933

[redacted]03[redacted]11

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US BANK ...

091000022 03082011 5575
S/T 284 ID IB PKT 1
ACCT 001539103422900

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

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Account # : [redacted]254 **Date Processed:** 03/08/11 **Check # :** 6504 **Amount:** $1,000.00

DOUGLAS TUCKER
402 W SAN MARCOS BLVD. UNIT 104
SAN MARCOS, CA 92069

90-3582/1222

6504

DATE 2-28-11

PAY TO THE ORDER OF IRS ~~UNITED STATES TREASURY~~ $ 1000 —

One thousand & 00/100 DOLLARS

usbank. All of us serving you

MEMO Feb '11 2011 Estimated

⑆122235821⑆ [redacted] 254⑈6504 ⑈0000100000⑈

[redacted] 5933

[redacted] 11

00733776027
030811

091000022 03082011 5575
S/T 204 ID BL PKT 1
ACCT 001539 10542390

CREDIT ... US TREAS
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US BANK NA

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

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* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

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